

February 25, 2009

**To:** NITC Commissioners  
**From:** Anne Byers  
**Subject:** eHealth Council Report

## **Update on eHealth Grants**

**The University of Nebraska Public Policy Center** conducted a deliberative discussion and survey on sharing health information electronically on Nov. 17, 2008. The deliberative discussion and survey indicate that Nebraskans have positive views about sharing health information electronically, but do have some privacy and security concerns. Most participants in the deliberative discussion felt that the State of Nebraska had a role in ensuring the privacy and security of health information (100%), providing information to consumers about health information security and privacy (94%), regulating health information networks (91%), and facilitating public-private partnerships to exchange health information (88%). The report from the project is included in the meeting materials.

**NeHII (Nebraska Health Information Initiative)** is piloting the exchange of health data. A virtual ribbon cutting is planned for April 2.

**The Southeast Nebraska Health Information Network (SNBHIN)** is finalizing the system requirements for the Behavioral Health Information Exchange. A Request for Information has been issued.

**Western Nebraska Health Information Exchange** continues to make progress, but is still determining financing models.

**HISPC Website and Consumer Education Materials** are in the initial stages of development.

## **Legislative Update**

The Legal Work Group of the Nebraska Health Information Security and Privacy Committee (HISPC) reviewed Nebraska health information disclosure laws to identify laws more stringent than HIPAA. The Legal Work Group found one Nebraska law which was more stringent than HIPAA. Neb. Rev. Stat. 71-8403 stipulates that authorizations for release of medical records are valid for a maximum period of 180 days. The group recommended deleting the 180-day restriction. HIPAA requirements would then apply, allowing patients to state an expiration date or expiration event. At a hearing before the Health and Human Services Committee, Brenda Decker proposed an amendment to LB288 (the Health and Human Services Clean Up Bill) to eliminate the 180-day restrictions.

The eHealth Council and E-Prescribing Work Group also identified a potential barrier to e-prescribing in a Nebraska statute that requires pharmacists to keep paper copies of prescriptions. A change to this statute which would allow pharmacists to keep copies of prescriptions in a readily retrievable format was included in LB220. Lt. Governor Sheehy provided a letter supporting the provision to the Health and Human Services Committee. LB 220 is on General File.

## **Work Group Updates**

The Health Information Security and Privacy Committee (HISPC) is finalizing a report on its activities. David Lawton, Ann Fetrick, and I will be attending the national Health Information Security and Privacy Collaborative meeting in Washington, D.C. March 4-6. The Adoption of Standards Collaborative in

which David, Ann, and I have been participating has completed work on recommendations for minimum standards related to authorization and audit.

The E-Prescribing and Personal Health Work Groups are developing reports and recommendations. A Public Health Work Group is being formed.

## **Future Plans**

The eHealth Council will meet March 23. Lt. Governor Sheehy has been invited to discuss stimulus funding for health IT. The Council will also begin working on action plans. It is likely that the eHealth Council will focus on the development of a statewide eHealth plan. A statewide eHealth Plan is required to receive funding from a state health IT grant program included in the American Recovery and Reinvestment Act. Much of the groundwork for developing a plan has been laid.